



House of Representatives

General Assembly

File No. 432

January Session, 2005

Substitute House Bill No. 6302

House of Representatives, April 19, 2005

The Committee on Public Health reported through REP. SAYERS of the 60th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT RESTRICTING THE SALE OF COSMETIC CONTACT LENSES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-150 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) No optical glasses or kindred products or other instruments to
4 aid vision [which] that are produced or reproduced to personalized
5 given formulas, or plano cosmetic contact lenses shall be sold at retail
6 except under the supervision of a licensed optician and in a registered
7 optical establishment, office or store. An optical establishment, office
8 or store is defined as meaning one the owner of which has had issued
9 to him an optical license selling permit.

10 (b) Nothing in subsection (a) of this section shall be construed to
11 limit the ability of a physician, licensed under chapter 370, who is
12 trained and specializes in diseases of the eye or an optometrist,

13 licensed under chapter 380, to dispense contact lenses.

14 (c) A violation of the provisions of subsection (a) of this section
15 constitutes an unfair trade practice under subsection (a) of section 42-
16 110b.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	20-150

PH *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Consumer Protection & Office of the Attorney General	GF - Revenue Gain	Potential Minimal	Potential Minimal
Department of Public Health	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes it an unfair trade practice for plano contact lenses to be sold without the supervision of a licensed optician or in a registered optical establishment. Under the Connecticut Unfair Trade Practices Act (CUTPA), the Department of Consumer Protection (DCP) and the Attorney General can impose CUTPA fines. In FY 04, \$18,789 was deposited in the General Fund as a result of such fines.

In the case of settlements, depending on the negotiation terms, funds are either deposited into the DCP's Consumer Protection Settlement Account or the General Fund. Funds deposited into the Consumer Protection Settlement Account are used only to enhance activities that further consumer protection. In FY 04, \$86,500 in CUTPA fines were deposited into the DCP Consumer Protection Settlement Account. Additionally, in FY 04, \$135,212 in CUTPA fines were deposited into the General Fund as a result of settlements negotiated by the Office of the Attorney General (OAG). The state agencies could accommodate the workload associated with enforcement of the bill without requiring additional resources. To the extent that the bill increases the potential for future violations, its passage could result in a minimal revenue gain to the state.

Provisions in the bill will result in no fiscal impact for the Department of Public Health.

OLR Bill Analysis

sHB 6302

AN ACT RESTRICTING THE SALE OF COSMETIC CONTACT LENSES**SUMMARY:**

Under the bill, plano cosmetic contact lenses (nonprescription contact lenses with colors or patterns) may be sold at retail only under the supervision of a licensed optician and in a registered optical establishment, office, or store. The bill specifies that it is not meant to restrict the ability of (1) licensed physicians trained and specializing in eye diseases or (2) licensed optometrists, from dispensing contact lenses.

Violation of the bill is an unfair trade practice under the Connecticut Unfair Trade Practice Act (CUTPA).

EFFECTIVE DATE: October 1, 2005

BACKGROUND**CUTPA**

This law prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the consumer protection commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$5,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. The act also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorneys fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violation of a restraining order.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute
Yea 26 Nay 0